IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO :27271 of 1998

DATED: 18.7.2007

Between:

Siginam Lakshmikanthamma petitioner

And

The Vice Chairman & Managing Director,
APSRTC, Musheerabad, Hyderabad & 2 ors respondents

-
-
-

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO :27271 of 1998

ORAL ORDER:

This writ petition is filed questioning the proceedings of the second respondent dated 26.6.1998 and the consequential proceedings of the third respondent dated 2.7.1998 rejecting the case of the petitioner for compassionate appointment as illegal and arbitrary.

The husband of the petitioner who was employed in the respondent corporation as driver, died in harness on 26.9.1994. The petitioner submitted a representation seeking compassionate appointment. She was interviewed for the post of cleaner and by proceedings dated 14.7.1997 her case was rejected on the ground of over age. Questioning the said order, she filed W.P. No. 3333 of 1998 and the same was disposed of by order dated 11.2.1998 directing the respondents to refer the case of the petitioner to competent authority for exemption of age qualification and to consider her case for appointment to the post of cleaner. Thereafter, vide proceedings dated 26.6.1998 the request of the petitioner for exemption of age qualification was rejected and she was advised to receive the monetary benefits in lieu of employment. Questioning the said order, the present writ petition is filed.

Learned counsel for petitioner submitted that the corporation has issued guidelines for recruitment under compassionate grounds

vide circular No.PD-64/1988 dated 13.7.1988 and in terms of clause 7, the petitioner is entitled to exemption of age qualification and the action of the respondents in refusing to grant exemption of age qualification is illegal and arbitrary.

On the other hand learned Standing Counsel for respondent corporation submitted that the competent authority taking into consideration all the relevant factors into consideration and particularly the fact that the petitioner is over aged by 12 years, has not granted exemption and directed the concerned to pay additional monetary benefits. It is further submitted that the petitioner is now aged more than 50 years and no purpose would be served on providing her an appointment on compassionate grounds.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent corporation and perused the material available on record.

To appreciate the contention of the learned counsel for petitioner, it is necessary to refer to the circular dated 13.7.1988 whereunder guidelines were issued by the respondent for appointment on compassionate grounds. Clause 7 reads as under;

> "The spouse/children of employees died in harness are not eligible for any relaxations for consideration of their cases for appointment as stated above, except age relaxation."

Though the above clause provides that except age relaxation, no other relaxations for consideration of cases of spouse/children of employees died in harness, for appointment on compassionate grounds can be granted, the fact remains, the petitioner as on the date of making application, was over-aged by 12 years, and considering the over age of the petitioner, the respondent refused to exercise his

discretion to give any age relaxation to the petitioner, and directed the petitioner to take the monetary benefits in lieu of compassionate appointment, and no exception can be taken thereto. Be that as it may, by passage of time, it is stated that the petitioner has crossed the age of 50 years, and at this age, and considering the age of the petitioner, both the counsel for the petitioner and the learned Standing counsel for the respondents agreed for disposal of the writ petition, directing the respondent-corporation to pay monetary benefits to the petitioner in lieu of compassionate appointment.

In view of the agreed stand taken by both the counsel, I deem it appropriate to dispose of the writ petition with the following direction.

The respondents are directed to pay the additional monetary benefits in lieu of compassionate appointment to the petitioner as per the circulars guidelines and rules in vogue as on the date of rejection of her case for compassionate appointment i.e.,26.6.1998, as expeditiously as possible.

Accordingly, the writ petition is disposed of. No costs.

_____

N.V.RAMANA,J

DATE: 18.7.2007
TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

-
-
-

WRIT PETITION NO : 27271 of 1998

DATED: 18.7.2007